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July 25, 2003

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: Information Disclosure Statement
Appl. No.: 10/091,342
Filed: March 6, 2002
Title: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**
Inventor(s): Burke, *et al.*
Our Ref: 7601/80250

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Information Disclosure Statement;
2. Form PTO-1449, List of References Cited By Applicant;
3. References A1-A16, B1-B22, and C1-C41; and
4. One return postcard.

1652
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Commissioner of Patents
July 25, 2003
Page 2

Applicants do not believe that any fee is due for the filing of these documents. However, the Commissioner is hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7601/80250.

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink that reads "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

MAS:ct
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of:

Burke, *et al.*

Appl. No.: 10/091,342

Filed: March 6, 2002

For: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**

Art Unit: 1652

Examiner: to be assigned

Atty. Dkt.: 7601/80250

Information Disclosure Statement

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Submitted herewith is a listing of documents known to Applicants and/or their attorney in compliance with the requirements of 37 C.F.R. § 1.56. Copies of the listed documents are also enclosed.

Reference A14, published U.S. application no. 2002/0197605, is a very long document and Applicants would like to direct the Examiner's attention in particular to paragraph 307, and to Examples 2 and 3 which may be found on pages 140-144 of this reference. The Examiner's attention is also directed to sequence 1743 and to the Table entry for this sequence that appears on page 83 of the reference.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned attorney submits the following concise explanation of the relevance of the non-English language documents cited on the accompanying form:

Reference B1, published international patent application WO 96/15246, describes DNA containing an upstream regulatory region from malate synthase gene of coryneform bacteria. This regulatory region may be used to control the expression of protein in coryneform bacteria. Expression of protein may be induced using inexpensive inducers, such as acetate. An English language abstract may be found on the first page of this reference, and a separate abstract is enclosed herewith and cited on the accompanying list of references as document C25. In addition, a corresponding U.S. patent reference, U.S. 5,965,391, is enclosed herewith and cited on the accompanying list of references as document A3.

Reference B3, published international patent application WO 01/98472, describes glucose-6 phosphate-dehydrogenase derived from *Corynebacterium* which has undergone modifications to improve productivity with respect to L-amino acids, e.g., L-lysine. An English language abstract may be found on the first page of this reference and a separate English language abstract is included herewith and cited on the accompanying list of references as document C26. In addition, a corresponding English language European application, EP 1 302 537, is included herewith and cited on the accompanying list of references as document B11.

Reference B4, published international patent application WO 03/042389, describes nucleic acids that encode a mutant glucose-6-phosphate dehydrogenase which may be used in microorganisms for the production of fine chemicals, especially lysine. An English language abstract corresponding may be found on the first page of the reference. In addition, a separate English language abstract is included herewith and is cited on the accompanying list of references as document C27.

Reference B6, European patent document EP 0 375 889, describes the site specific mutagenesis of DNA at restriction enzyme positions. Mutagenesis is accomplished by treating restriction fragments with hydroxylamine. Mutated sequences are described and may be used to transform microorganisms. An English language abstract corresponding to this document is enclosed herewith and cited on the accompanying list of references as document C28.

Reference B7, European patent document EP 0 435 132, describes methods for increasing the production of amino acids, especially lysine, in *Corynebacteria* or *Brevibacteria* using recombinant DNA with sequences for both dihydro-dipicolinate synthase and deregulated aspartate kinase. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C29.

Reference B8, European patent document EP 0 472 869, describes two new plasmids from *Corynebacterium glutamicum* LP-6. The plasmids may be used to produce recombinant shuttle vectors for foreign gene expression in *Corynebacterium*. An English language abstract corresponding to this document enclosed herewith and is cited on the accompanying list of references as document C30. In addition, a corresponding United States patent, 5,175,108, is enclosed herewith and is cited on the accompanying list of references as document A2.

Reference B12, German patent document DE 195 48 222, describes new export and regulatory genes from *Corynebacteria*. These may be used to increase microbial production of amino acids, especially lysine. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C31.

Reference B13, German patent document DE 198 31 609, describes methods for increasing the microbial production of amino acids by increasing the activity or expression of pyruvate carboxylase. An English language abstract corresponding to this document enclosed herewith and is cited on the accompanying list of references as document C32.

Reference B14, German patent document DE 199 41 478, describes a *thrE* gene cloned from *Corynebacterium glutamicum*. The gene is useful for producing *thrE* overexpressing *Coryneform* bacteria that can be used in the production of L-threonine. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C33. In addition, counterpart United States patent references U.S. 6,410,705; 2002/0107378; 2002/0146781; 2002/0168731; and 2003/0049802, are enclosed

herewith and cited on the accompanying list of references as documents A4, A10, A12, A13 and A16, respectively.

Reference B15, German patent document DE 199 47 791, describes a new enolase gene derived from *Coryneform* bacteria. The gene may be used to prepare transformants that exhibit increased synthesis of amino acids, especially lysine. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C34. In addition, a corresponding United States patent reference, 2002/0082403, is enclosed herewith and is cited on the accompanying list of references as document A8.

Reference B16, German patent document DE 199 50 409, describes a new *Coryneform* nucleic acid coding for phosphoenolpyruvate carboxykinase. The nucleic acid may be used to prepare strains of bacteria which exhibit increased production of amino acids. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C35. In addition, corresponding United States patent references: 6,420,151; 2002/0065403; and 2003/0003548, are enclosed herewith and cited on the accompanying list of references as documents A5, A7 and A15, respectively.

Reference B17 German patent document DE 199 51 975, describes a new *poxB* pyruvate oxidase polynucleotide, derived from *Coryneform glutamicum*. The polynucleotides are useful for insertional mutation and for producing strains with increased production of amino acids. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C36.

Reference B18, German patent document DE 199 59 327, describes a new *zwa2* gene from *Corynebacterium glutamicum* which is useful, when suppressed, for increasing the fermentative production of amino acids, especially lysine. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of

references as document C37. In addition, a corresponding United States case, 2002/0106748, is enclosed herewith and is cited on the accompanying list of references as document A9.

Reference B19, German patent document DE 199 59 328, describes a new *zwf* gene from *Corynebacterium glutamicum* which is useful, when overexpressed, for increasing the fermentative production of amino acids, especially lysine. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C38. In addition, a corresponding United States application, 2002/0127663, is enclosed herewith and is cited on the accompanying list of references as document A11.

Reference B20, Japanese patent document JP 9-224661, describes a glucose-6 phosphate dehydrogenase having 484 amino acids and DNA molecules which encode this enzyme. The DNA molecules can be used to transform coryneform bacteria for the recombinant production of enzyme. An English language abstract corresponding to this document is cited on the accompanying list of references as document C39.

Reference B21, Japanese patent document JP 9-224662, describes 6-phosphogluconate dehydrogenase that can be used to transform Coryneform bacteria for improving the production of amino acids. An English language abstract corresponding to this document is cited on the accompanying list of references as document C40.

Reference B22, Japanese published patent application JP 2002 191370, describes novel polynucleotides derived from Coryneform bacteria. The polynucleotides may be used for identifying point mutations, for measuring the expression of a gene, for analyzing expression profiles and for identifying homologous genes. An English language abstract corresponding to this document is cited on the accompanying list of references as document C41. In addition, a corresponding U.S. case, 2002/0197605, is enclosed herewith and is cited on the accompanying list of references as document A14.

Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the present application. This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made.

Consideration of the cited documents and making the same of record in the prosecution of the above-captioned application are respectfully requested.

Applicants do not believe any fee is due for the submission of this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7601/80250.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

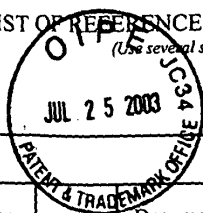
By



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Phone: (202) 419-7013

LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)



Atty. Docket No.: 7601/80250

Appl. No.: 10/091,342

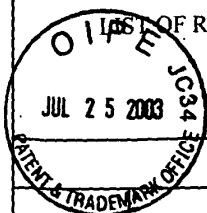
Applicant(s): Burke, *et al.*

Filing Date: March 6, 2002

Group: 1652

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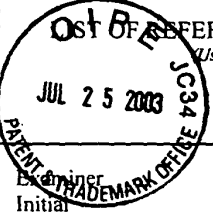


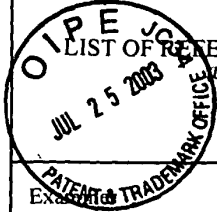
| LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) | | | | | Atty. Docket No.: 7601/80250 | | Appl. No.: 10/091,342 | |
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| | | | | | Applicant(s): Burke, et al. | | | |
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|  <p>LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)</p> | | Atty. Docket No.: 7601/80250 | Appl. No.: 10/091,342 |
| | | Applicant(s): Burke, et al. | |
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| <p>Examiner Initial: _____</p> <p>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</p> | | | |
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| | C 26 | Abstract for WO 01/98472, reference B3 above. | |
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| | C 28 | Abstract for EP 0 375 889, reference B6 above. | |
| | C 29 | Abstract for EP 0 435 132, reference B7 above. | |
| | C 30 | Abstract for EP 0 472 869, reference B8 above. | |
| | C 31 | Abstract for DE 195 48 222, reference B12 above. | |
| | C 32 | Abstract for DE 198 31 609, reference B13 above. | |
| | C 33 | Abstract for DE 199 41 478, reference B14 above. | |
| | C 34 | Abstract for DE 199 47 791, reference B15 above. | |
| | C 35 | Abstract for DE 199 50 409, reference B16 above. | |
| | C 36 | Abstract for DE 199 51 975, reference B17 above. | |
| | C 37 | Abstract for DE 199 59 327, reference B18 above. | |
| | C 38 | Abstract for DE 199 59 328, reference B19 above. | |
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| | C 39 | Abstract for JP 9-224661, reference B20 above. | |
| | C 40 | Abstract for JP 9-224662, reference B21 above. | |
| | C 41 | Abstract for JP 2002 191370, reference B22 above. | |
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